

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, SEPTEMBER 8, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, September 8, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters and Economic Development Director, Dave Maley. Under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Nancy Halter, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Megan Starrett and Jim Thieret.

Roll call of 9 present

2. INVOCATION

COUNCILWOMAN JILL CREAMER

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN CREAMER

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Creamer. Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes they are.

COUNCIL PRESIDENT ISTNICK – Are there any corrections or additions to be made?

COUNCIL CLERK ROLLAND – No there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – I have a couple of things that I would like to address. Councilman Lombardi, do you have an update on whether or not we've ordered the equipment or anything yet?

COUNCILMAN LOMBARDI – No. Nobody has given me any guidance as to what to do as far as ordering anything. I'm more than happy to do it, but nobody's told me to go ahead and do so. I wasn't sure where that authority lied, actually.

COUNCIL PRESIDENT ISTNICK – I thought that at our last meeting we talked about you going ahead and ordering it. They said that I could direct you to do so. Am I incorrect on that?

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – That was my understanding of our conversation in Work Session as well.

COUNCIL PRESIDENT ISTNICK – Anyone else? Then Mark, you have the authority to go ahead and order what is needed so that we can back into Council Chambers.

COUNCILMAN LOMBARDI – Okay. The only other thing that was left up in the air though, at that point was that you were going to talk to Terri Argent to see if we needed to get the extra laptop so that there was eleven people. That's where I thought this was left at.

COUNCIL PRESIDENT ISTNICK – Well, we're still not able to get in there with more than ten.

COUNCILMAN LOMBARDI – Okay. So, I'll go ahead and order.

COUNCIL PRESIDENT ISTNICK – Alright, thank you.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you. I do have an update on our recent conversation on our DORA, the Designated Outdoor Refreshment Area.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILWOMAN LITMAN – I'm not sure if this is where you want us to have that conversation.

COUNCIL PRESIDENT ISTNICK – You can go ahead.

COUNCILWOMAN LITMAN – Okay. Well, I did want to update everyone that as we spoke in Work Session, Wooster, the City of Wooster, has implemented their Designated Outdoor Refreshment Area. I was able to have a conversation and a quite lengthy conversation with Shannon Waller. She is the Main St. Wooster executive. She provided me with their application, their cup design, how they went about coordinating the various entities to assist in

getting this Designated Outdoor Refreshment Area into the application format. They are very, very excited about starting their Designated Outdoor Refreshment Area. As you may or may not know, that's a municipality that has about a little over 26,000 residents. They have a vibrant downtown that is improving as they are very similar to Massillon, extending their streetscape project to include an amphitheater downtown, the revitalization of their square, etc. There is a lot of good information that they provided to me that I passed along to our Chief Counsel, Bill Bartos. I have asked him to review that information and perhaps take a couple of minutes in this evening's meeting to discuss just in generality, the process that they went through and I guess I'm choosing now rather than waiting for Work Session to have this discussion because I think we need to get this implemented more sooner than later. They have started their project back in April or May. They have spent several months getting their surveys together. Getting their project under way. Getting the application completed, through Council, etc. And the reason I think we should begin this more sooner than later is because we might be looking at five or six months down the road before this process can be completed. I know we're going to be running up against cold weather, but I really think that once we get this under way, we may be looking at February or March of next year before this can be completed and we can begin our DORA. I know that in our last Work Session, it appeared that we had majority of Council that was in favor of collecting more information, getting the process more detailed, budgeting, who would be included in that; how would we go about doing it? So I thought hearing what Wooster has done would be very beneficial for us to then decide and I will say, as a community and I'm talking Main St. Massillon, I'm talking the Chamber of Commerce in Massillon, I'm talking Massillon City as well as our Council, working together to try to get this implemented in our city. I have had a couple of conversations; one with Betty Busby who is our new Chamber President. She is very much in favor of sitting down and having a conversation trying to detail how they can be involved, what they can be doing to assist in this measure. I've also had a conversation with the Regional External Affairs representative of First Energy. They are very excited about helping us with costs associated with this endeavor if we should so choose to continue down this path. So, I would ask if Mr. Bartos would take just a few minutes of our Council time this evening and review just the process that Wooster went through to get this accomplished. They do have their first DORA day on September 11th. So, again, once we have this conversation, if anyone would like to speak to Shannon or even be present at their opening or their roll-out of the DORA, she has invited us to be a part of that with them. So with that, I will ask Bill if he would take just a few minutes and talk about some of the documentation that Shannon provided to us.

COUNCILMAN LEWIS – Madam President, Point of Order.

COUNCIL PRESIDENT ISTNICK – Go ahead, Councilman Lewis.

COUNCILMAN LEWIS – Let us just say that we have a process and that is that things like this go through Committee and to subvert that would subvert the entire process that everything goes to. So, it's more appropriate that this be handled during a Committee meeting; regardless of timeliness. I mean, we don't even know if the Committee Chair is aware of any of this information yet and we don't know what the Committee is going to put before Council. So, anything that would be discussed tonight may be irrelevant if the Committee doesn't decide to come forward with the same information.

COUNCILWOMAN LITMAN – I will just mention that Megan was in agreement too, as well as the Council, that's why I went to Council at our last Committee meeting and just asked is this something that that we can move forward with in collecting information? I'm not suggesting

that we do anything out of order. All I'm suggesting is that we get information that we can then decide, do we go further? Knowing what Wooster has done, is this something that, again, we want to move forward with in doing at this point or should we put it to bed?

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I guess I'm in agreement with Mr. Lewis a little bit. This is kind of off agenda, at this point and we're getting a little close to almost voting in a way saying, is everybody interested in pursuing this further? I think maybe we should probably present this more at a Work Session with legislation to try to move forward with it. I think that might be a more appropriate way then have the presentation happen at the Work Session with possible legislation to get the ball rolling. But, Madam President, it's up to you what will go on in your meeting.

COUNCILWOMAN LITMAN – Well, I would be okay with that as well. I just wanted to try to get the information to you, to Council, as soon as I had had those conversations.

COUNCIL PRESIDENT ISTNICK – Thank you, Councilwoman Litman, thank you, Councilwoman Starrett. We will defer to our next Committee meeting if that's how you want to do that. Okay on that?

COUNCILWOMAN LITMAN – That's fine. Thank you.

COUNCIL PRESIDENT ISTNICK – Okay. Next, we had talked about Council ordinances, Council rules and some people had some changes that they would like to have done. Diane would like those into her, by when, Diane?

COUNCIL CLERK ROLLAND – No later than the next Regular Council meeting. Because all codified changes have to be turned into the Drane Co. next month.

COUNCIL PRESIDENT ISTNICK – So, anyone that has anything, get those into Diane by October.

COUNCIL CLERK ROLLAND – I would say be September 14th Work Session.

COUNCILMAN LEWIS – To clarify, though, changes to the Rules of Council have to be a legislation request that's passed by Council. So, we can't possibly get them by the next meeting because we have vote on them at the next meeting.

COUNCIL CLERK ROLLAND – Well, I usually send all the changes with the exhibits or whatever has taken place; like I said, when I send out the Council Rules last week, the changes that were made for the he/she, them/their, those changes; they have not been implicated yet in the new replacement pages because they have not been sent to Drane. So, I would say no later than the October 5th or 19th meeting because, like I said, I send all that information to them, they update everything and send it back to us in November.

COUNCIL PRESIDENT ISTNICK – Did you say October 5th?

COUNCIL CLERK ROLLAND – Yes. Between October 5th and the 19th. Because I know a couple of years ago, we ran into this situation with the income tax and they did upgrade it for

us like two or three months after that because I think it went all three readings. But this is very important because when they upgrade our replacement pages for our book, they also upgrade the website. So, we don't one version to be website and then I have another version in my book.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – So to be clear, you have the changes already that moved New and Miscellaneous Business up in front of the ordinances which is the section that we're in right now of the agenda and you also have the changes for the he and she to a more gender neutral language, you don't have those changes, correct?

COUNCIL CLERK ROLLAND – Like I said, they won't in until October.

COUNCILMAN LEWIS – But you have them in your possession to give to Drane?

COUNCIL CLERK ROLLAND – Yes I do, yes.

COUNCILMAN LEWIS – So, any future changes we make, if they are not voted on and made by Council prior to October 5th, they may not be fully reflected in all our meetings.

COUNCIL CLERK ROLLAND – Right.

COUNCIL PRESIDENT ISTNICK – Which means you need them by when so they can be voted on; by next Monday?

COUNCIL CLERK ROLLAND – I could say October 19th would be the absolute "hard" date because they do them every November.

COUNCIL PRESIDENT ISTNICK – But if they went three readings wouldn't that be awfully late?

COUNCIL CLERK ROLLAND – Well, like I said, the absolute "hard" date is October 19th, however many readings you want to go, however way you want to handle it, that is the absolute cut-off date; October 19th.

COUNCIL PRESIDENT ISTNICK – Then I recommend we do it prior to then just so Diane has them in her hands and she's not rushing around to get it done.

COUNCIL CLERK ROLLAND – I would say that the Request for Legislation would have to be in the 14th or 28th of September for Work Session. The Request for Legislation to make the changes and it's up to Council when they vote on them or how many readings they want them to go. But the Request for Legislation "hard" date is September 28th. The ordinance, the "hard" date is October 19th.

COUNCIL PRESIDENT ISTNICK – The Request for Legislation by when?

COUNCIL CLERK ROLLAND – September 28th.

COUNCIL PRESIDENT ISTNICK – Okay. I thought you just said September 14th.

COUNCIL CLERK ROLLAND – There's a meeting the 14th and there's a meeting the 28th. Those are the two Work Sessions in September.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCIL CLERK ROLLAND – And then the two Council meetings in October, the absolute "hard" date is October 19th.

COUNCIL PRESIDENT ISTNICK – Okay. Councilman Gregg. Did you have something?

COUNCILMAN GREGG – Yes, I did. Thank you, Madam President. My question is, it sounds like we're talking about Council Rule changes and shouldn't that go through the Rules Committee?

COUNCIL CLERK ROLLAND – Yes.

COUNCILMAN GREGG – So, instead of, just for process sake, should those changes go directly to Diane or should they come through me as Chairman of the Committee?

COUNCIL CLERK ROLLAND – They would have to go through you because that's your committee.

COUNCILMAN GREGG – So, are you collecting any changes and then forwarding them to me or will they be sent directly to me?

COUNCIL CLERK ROLLAND – I have not received anything to date and it would have to be in the form of a Request for Legislation.

COUNCILWOMAN LITMAN – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I have been in communication with Justin Richard, so, I've asked him to review a few of the Council Rules as well. So that if it's something that we can further edit or clarify as we are attempting to do with Rule 56, that it can be done in the same manner. So, I have not provided that to Mr. Gregg, but I have communicated that to Mr. Richard and hope to have a conversation with him this week or so, so that we can get something to Mr. Gregg if that's the route that we're going.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Okay. Seeing none, the next thing I'd like to talk about; just putting it out there because I'm sure that you all got the e-mail from Diane that the Planning Commission is tomorrow at 4:30 p.m. for the property up here on the corner of Hills and Dales and Wales. And the last thing I'd like to throw out; I had talked to someone about these street signs. They're blue, royal blue and white, I think. They have them in Perry Twp. and Jackson Twp. and I did some research on that and they are through the fire department and I think people can purchase them for \$10.00 and Perry and Jackson were anxious to get them out because their emergency services could see the address very quickly because they really stand out. So, if you haven't seen them, you might want to drive through Jackson or Perry and just take note of that. Does anyone else have anything?

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 81 – 2020

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept an AFG Grant (EMW-2020-FG-01177) from the Federal Emergency Management Agency (FEMA) on behalf of the Massillon Fire Department, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman

COUNCILWOMAN LITMAN – Thank you, Madam President. Yes, this is a Request for Legislation to accept an \$18,000 grant and I know I may have caused some confusion in our Work Session last week. This is a separate grant request from our prior one that I was speaking of. This is for the purchase of PPE equipment. We were given a list the protective coveralls, the gloves that would be purchased, isolation gowns, respirators and eye protection. So, I will ask, is there any questions or concerns that anyone might have regarding this ordinance?

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Yes, thank you, President Istnick. Mrs. Litman, how much money do the city taxpayers have to put into get this grant?

COUNCILWOMAN LITMAN – The total that the City would contribute would be \$1,668.43.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Litman.

COUNCILWOMAN LITMAN – We do have Chief Burgasser here if anyone needs any further clarification or questions answered. Seeing none, I'd like to request that we waive the rules requiring three readings for Ord. No. 81 – 2020 and vote this evening.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Thieret. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 81 – 2020 has passed. Ord. No. 82 – 2020.

ORDINANCE NO. 82 – 2020

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE to approve the vacation of a 20-foot-wide storm drainage easement on Out Lot No. 997. The site is located on the south side of Business Place S.E., east of Richville Drive.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret

COUNCILMAN THIERET – Thank you, Madam President. This is what we talked about last night. This is from the Engineering Dept. and if you have any questions, I know Jason Popiel on the call to answer them.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I'm going to recuse myself from this matter by a conflict of interest. The company that I work for performed the work on this easement in this legislation request.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN HERNCANE – Thank you.

COUNCIL PRESIDENT ISTNICK – Anything else? Councilman Thieret.

COUNCILMAN THIERET – Well, seeing no other questions, I make a motion that we waive the rules requiring three readings and bring Ord. No. 82 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call for suspension.

8 yes; 1 abstained for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstained for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 82 – 2020 has passed. Ord. No. 83 – 2020.

ORDINANCE NO. 83 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Program Fund FY 2020/2021, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation related to the additional monies that we have received in CDBG because of COVID-19. It will go towards some housing rehabilitation support within the community and it will also go to the COVID-19 business loan program that we approved a little over a month ago. Are there any questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I'm going to recuse myself from this matter as well as I have a conflict with a relative of mine who is employed by one of the recipients of funds.

COUNCIL PRESIDENT ISTNICK – Thank you.

COUNCILMAN HERNCANE – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 83 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

8 yes; 1 abstained for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

8 yes; 1 abstained for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 83 – 2020 has passed. Ord. No. 84 – 2020.

ORDINANCE NO. 84 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This appropriation is for \$16,884.27. Did we say that Chief Burgasser is in on the call?

COUNCIL CLERK ROLLAND – He did not answer when I called his name.

COUNCILMAN LEWIS – Okay. I believe this is just related to the previous grant that we accepted and the appropriation for the purchase of those goods. Does anyone else have any other questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 84 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 84 – 2020 has passed. Ord. No. 85 – 2020.

ORDINANCE NO. 85 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE reducing the appropriations in the 1212 Summer Concert Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is a reduction in the appropriations by \$79,906.33. This is due to us not being able to have the summer concert series this year. Are there any questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. My question is as we are unappropriating appropriated funds, I just wanted to confirm that those dollars then go back into the General Fund and not carried forward to a new concert year?

COUNCILMAN LEWIS – We would have to verify with the Auditor, but I don't believe so. I believe they would go back into the 1212 Fund where they were originally deposited into. So, the 1212 Summer Concert Series Fund.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 85 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 85 – 2020 has passed. Ord. No. 86 – 2020.

ORDINANCE NO. 86 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for funding to the Ohio Public Works Commission for the funding year 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is in reference to going out to see if we can receive dollars for Lincoln Way Streetscape Phase III and the Warmington Road Improvement. As we get prepared to discuss this this evening, I do want to ask the Administration and the Engineers office if we could please have an update at the next Work Session, so next Monday, as to the progress on Phase I's punch list. I believe that's all that's been discussed left. In particular, I did have one citizen reach out to me and they had some questions regarding the brick work around the pressed curbs and the corners; wondering if they were actually ADA compliant due to their pattern. So, something for you guys to look at, but I know a lot of people also have questions about the punch list and when those small parts are going to be completed and if we could have an update next week, that would be great. With that said, does anyone have questions related to Lincoln Way Streetscape Phase III or Warmington Road Improvements?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Yes, I have a question. Why are these two lumped together?

JASON POPIEL – Yes. We're submitting two separate applications, Mr. Thieret, to OPWC. Both are due at the same time, so we just put them together for Council's permission to apply.

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. I would make a motion that we amend Ord. No. 86 – 2020 to remove Lincoln Way Streetscape Phase III. I would ask that it be resubmitted as a separate legislation request and they be considered separate.

COUNCIL PRESIDENT ISTNICK – Do you have a second?

COUNCILMAN LOMBARDI – I'll second it.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – If it would please Herncane and Lombardi, it may be easier just to make a motion to divide the question.

COUNCIL PRESIDENT ISTNICK – Is there that big of a difference as to which route they go?

COUNCILMAN LEWIS – Well, if they amend it removing one, then we have to wait two weeks. If we divide the question, we can vote on both tonight, individually.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane, it's up to you.

COUNCILMAN HERNCANE – I could amend my motion, but I'm okay with a motion to divide, if you want me to restate it?

COUNCIL PRESIDENT ISTNICK – Please.

COUNCILMAN HERNCANE – I make a motion that we divide the question regarding Ord. No. 86 – 2020.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lombardi. Roll call for division.

5 no; 4 yes to divide the question on Ord. No. 86 – 2020.

COUNCIL PRESIDENT ISTNICK – So it has failed?

COUNCIL CLERK ROLLAND – Yes.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Any other discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you. I just need additional information regarding the Streetscape, the Imagine Downtown Project, from Administration. I know initially what was discussed and what was shown to us was Phase I and then we saw Phase II and now we're seeing Phase III. Are there any additional Phases after Phase III? I guess I need to know the scope of the project because the initial request, I don't think we had the entire scope of the project. So, for me to better understand exactly what this project entails and vote on it moving forward, I would appreciate additional information.

MAYOR CATAZARO-PERRY – Sure, I'd be happy to answer that question for you. This is Phase III and its to include that one section down by First St. S.W.; that needs to be completed. And then also up to Fourth St. Fourth St. is the historic Fourth St. in the City of Massillon. So we wanted to include that to really bring people to Fourth St. and then bring them downtown. If there are additional phases, Mrs. Creamer, we would like to work on Erie St. S. and then Erie St. N. I don't know that we'll call it Imagine Downtown Massillon on that part of it, but those are areas that we'd like to work on as well as Diamond Ct. and then Charles. So we really want to clean up that whole area downtown and that is really our focus and so, again, I don't know if we'll continue to add those phases as part of the Imagine Downtown Massillon, but those, just so you know where our thought process is. We really want to clean all that up downtown and that area might be a little more difficult because of the vaults that are underneath the roadway, potential vaults, I should say.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Thieret.

COUNCILMAN THIERET – Well, the question that I have is a question that I've been asked I do not know how many times in recent history; when are we going to finish Phase I?

MAYOR CATAZARO-PERRY – We're working on that right now. We have a punch list and the company we've met with and we had a conversation with the company and they came downtown and looked at our punch list and they've begun to work on it. So, we hope to have that completed very soon.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. I have a little bit of a problem moving forward with Streetscape Phase III when we just broke ground on Phase II and we haven't addressed things that our citizens have really been requesting. Such as traffic control, animal control, the Reservoir and it seems like it's being buried under all of this Imagine Massillon and I believe we need to start addressing our citizens concerns as well first.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – My question is towards Mr. Popiel. Can you take us through the application process? Because what this is tonight is an application to OPWC, Ohio Public Works, to get funding from them for a project that will occur in the future. Can you take us through the application process and the timelines where if you apply, how long we could anticipate waiting, deadlines, things like that?

JASON POPIEL – Yeah, I'll try to speak to it as quickly as I can. This year is a little different because of COVID, so, but the application this year is due mid-October. I think it's October 12th or somewhere around there. Once submitted, all projects are scored against each other and the funds that the State has available to our district are distributed according to the highest first and they go down until they run out of money and so, the higher the score, the better chance you have of getting the funds you requested. You will not know if you're funded or not until the winter time. It's usually in December, but this year it may be later because, again, everything is delayed a little bit. Once you are awarded, you have until Spring to commit to the project and then you're not allowed to start until July. So, apply and accepting are two different things. We can apply and then decline if something comes up where the money wasn't correct; we did have the correct money allocated. Applying is the first step and then once we're awarded, we can accept it at that point, but that won't be until the winter.

COUNCILMAN LEWIS – And to further that line of questioning, Mr. Popiel, the next open days for applying for these funds wouldn't be until this time next year; would that be accurate?

JASON POPIEL – Assuming COVID's gone, it will probably be September of next year.

COUNCILMAN LEWIS – So, if we don't apply now, we have to wait an entire year to even apply for funding, regardless if we want to move forward with the project?

JASON POPIEL – That is correct.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Yes. I have written down in my notes that the Warmington Rd. Improvement is a little under \$1.4 million dollars, but the Streetscape Phase III, I don't have a dollar figure. If we're going to request funds, how much are we requesting for that project?

JASON POPIEL – Well, I'm still working on the application. We don't have a completed estimate yet and when we get an estimate, we try to balance the amount we ask for with the

points we're going to be awarded. We don't want to ask for too much and not be awarded anything. So, once I get the estimate and the application together, we just have to score and determine, at that point, what is a good balance between what our match is and what we asked for.

COUNCILWOMAN CREAMER – So, you'll have that determined before you submit the application in October?

JASON POPIEL – Oh yes, absolutely. We have to make sure we know where our funds are coming from and how much we're going to get.

COUNCILWOMAN CREAMER – I guess that's my difficulty is not having this presented in front of me and not having a dollar amount attached to it at this time, is difficult for me at this point. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. Is there a design that's going to be submitted for Phase III?

JASON POPIEL – Yes. That will be designed in-house.

COUNCILMAN HERNCANE – But it hasn't been designed yet? It would be designed based upon all this?

JASON POPIEL – Yes, right.

COUNCILMAN HERNCANE – But we don't have a current cost estimate? Would we know that cost estimate before you applied?

JASON POPIEL – Yes. It would have to be completed for applying. What this ordinance is is permission to apply. This is not permission to accept any funds yet or commit to any money. This is just the application part.

COUNCILMAN HERNCANE – But do we ask for a dollar amount when we apply?

JASON POPIEL – Yes. So, we ask for the dollar amount and we also ask whether we want it in the form of a loan or a grant.

COUNCILMAN HERNCANE – And do we know the dollar amount yet, or no?

JASON POPIEL – Not for Lincoln Way.

COUNCILMAN HERNCANE – Okay, thanks.

COUNCILMAN LEWIS – Madam President.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Given that there are some questions that we need answered and we have an October deadline, so, we do have another meeting between then and now; I would recommend that we just go ahead and give this first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 86 – 2020 has received first reading. Ord. No. 87 – 2020.

ORDINANCE NO. 87 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety, on behalf of the City of Massillon, Ohio, to enter into a contract, without formal bidding and advertising, for all work, supplies, and materials required for the installation of auto faucets and auto flush fixtures in all city-owned and/or operated restrooms, in accordance with Section 735.051 of the Ohio Revised Code, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is something that we briefly spoke to or may have had mentioned by the Auditor. Of the City, she had the idea of using some of the COVID dollars that we've received to the purpose of updating some of the restroom facilities throughout the City so that they were hands-free, flush and sinks. My first question would go to, I believe, Mr. Bartos, that since this exceeds the \$50,000 and it looks like there will be no bidding process. Can you explain to us the legality of how that is going to be permitted?

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, please.

BILL BARTOS – So the referenced Section of the ORC 735.051 deals with emergency conditions that permit formal bidding and advertising for contracts. So, basically that's a fancy way of saying that in the case of emergency situations like we face with the COVID pandemic, the City Council can vote and it is a two-thirds majority vote that is required which is referenced in Section 3 of the ordinance, but it's a two-thirds vote and if City Council decides to authorize the contract to move forward without the formal bidding and advertising requirements, the Safety Service Director could move forward giving the time constraints that are apparent, not only with the spending of the Coronavirus Relief Funds with an October 15th deadline coming up very quickly, but also the emergency situation that exists with the current pandemic. So, that would be the authorization that Council would be giving the Safety Service Director to move ahead with contracting without the need to advertise and bid as would be traditionally done when the \$50,000 bid threshold is exceeded.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Are there any questions from Council members related to this?

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Thank you, Madam President. So, the first dollar amount that I heard, I didn't see any dollar amounts in my packages. Did I overlook something?

COUNCILMAN LEWIS – I believe in the ordinance it says that the cost is approximately \$88,000. It would be the fourth paragraph down.

COUNCILWOMAN CREAMER – Okay, thank you. I've got additional questions, but I can wait for Mrs. Litman.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. My question would be, what process would be used if we're not going to use the formal bidding and advertising process; how would the contractor be chosen?

COUNCIL PRESIDENT ISTNICK – Can someone answer that, please?

BARB SYLVESTER – I can answer that. I have been working the Law Department and I do actually already have two proposals and so, that dollar amount there is \$88,000. We would select the lowest and best bidder from the proposals that we were given.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Yes. Can someone please tell me how many auto-faucets and how many auto-flushes we will be purchasing throughout the City and what buildings? It said all City-owned, so, are you also putting them in the parks and the restrooms in the parks in the Park and Rec. Dept., along with the Municipal Buildings?

BARB SYLVESTER – Yes. There will be a total of 124 touchless faucets and 176 touchless flush and we will also be installing soap dispensers, touchless. We are working with Gojo and they may be donating those to the City. It will include every single building. The Justice Building which is all of the Courts and every department that's in that building. The Police Dept., WWTP, all fire stations, the Administration Building, Street Dept. and all of the parks.

COUNCIL PRESIDENT ISTNICK – Go ahead Councilwoman Creamer.

COUNCILWOMAN CREAMER – So, are these battery-operated or are these hard-wired?

BARB SYLVESTER – They're battery-operated.

COUNCILWOMAN CREAMER – So, if a battery dies at one of these faucets or flushes, is that citizen able to perform hand cleansing without that auto-faucet? Because that's my concern, are how are these going to be overseen? I mean, we have people trying to oversee buildings and parks and restrooms now and things get overlooked at times. But, if we're going to change a faucet to a battery-operated faucet and that battery dies and that person cannot wash their hands, that's where I kind of have a concern. Who do they call? How do we know that the battery has died at one of these dispensers, faucets, flushes? I'm just trying to get a handle on it because I see this as money given to us, let's use it, but, down the road, there's upkeep to things that may cost us more money and manpower overseeing something we're given for free. Can you please answer that?

BARB SYLVESTER – I sure can. There's ongoing maintenance every day in every building and in every department. Especially in some of our buildings that we have a lot of old fixtures

in our buildings. So, there are times when, yes, those soap dispensers now don't work that are manual, toilets don't flush and faucets, we also have problems with those. We do have maintenance people for each and every facility and we also do contract out with other plumbers, if we need to, on an ongoing basis. So, ongoing maintenance will not be any different than maintenance that we have day-to-day right now.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes, my question kind of stems from that as well. Will there be any antibacterial dispensers as a secondary if a faucet is not working? Will there be antibacterial available to that patron as well?

BARB SYLVESTER – We have hand sanitizing stations, fixtures that are attached in all of our buildings at the present time as you may have seen when you were in Council Chambers. They were in that building.

COUNCILWOMAN LITMAN – So in the event that something would not work or there would be a malfunction, they would also have the option to use the hand sanitizer as a plan B?

BARB SYLVESTER – Yes, they do.

COUNCILWOMAN LITMAN – Thank you.

COUNCIL PRESIDENT ISTNICK – Any other questions? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 87 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage.

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No 87 – 2020 has passed. Res. No. 12 – 2020.

RESOLUTION NO. 12 – 2020

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION declaring intent of the City of Massillon to appropriate property within its corporate limits, pursuant to Chapter 719 of the Ohio Revised Code, for the purpose of acquiring temporary easements necessary for construction of the Wales Road Widening Project, STA SR-241 09.71, PID No. 100471, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. We discussed this, I believe, a week or so ago and the Engineers let us know that there are still a few properties out there that we hadn't gotten any response. So, I believe that this package includes those that we can start the process. If Jason would like to address that.

COUNCIL PRESIDENT ISTNICK – Mr. Popiel.

JASON POPIEL – Yes, this is more of Mr. Bartos' cup of tea here.

COUNCILMAN THIERET – Thank you.

BILL BARTOS – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

BILL BARTOS – Yes, I'll be happy to take that. As the Chairman mentioned, we discussed this last week and yes, this is the Resolution that will allow us to declare our intent to appropriate and allows us to move forward with the next steps of the process. I spoke with Mr. Popiel earlier. I know there were some questions about, what is the process that we go through prior to getting here and being that this is a joint project with ODOT, we go through an ODOT process of notifying and contacting each parcel owner and that involves at least two certified mailers to each owner as well as one in person meeting or at least an attempted meeting with each owner. So, at least three contacts or attempted contacts are made with each property owner prior to reaching this point. If you look at the parcels that are on our list, three instances where an owner is either deceased or in the case of an entity, one no longer exists, thirteen are situations where the owner is just not responding and/or their legal counsel is not responding if their attorney, perhaps, got involved and we do have one, at least one, I think we're hopeful will be able to get resolved prior to having to file the petition to appropriate. So, hopefully, more will get resolved before then. There is a notice that will go out after this is passed that you'll see in Section 3 that will come from the Mayor per Chapter 719, a Notice of the passage of this Resolution will sent out and that will be the final notice prior to moving forward with the petition to appropriate which is the fancy way of saying the initiation of the eminent domain process.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. Thank you, Mr. Bartos. Are there any other questions involving this at this point? Hearing none, I make a motion that we waive the rules requiring three readings and move Res. No. 12 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 12 – 2020 has passed. Res. No. 13 – 2020.

RESOLUTION NO. 13 – 2020

BY: FINANCE COMMITTEE

A RESOLUTION authorizing the sale, during calendar year 2020, of city-owned motor vehicles and pieces of related equipment which are not needed for public use, or are obsolete or unfit for the use for which they were acquired, by internet auction, and declaring the same to be an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is pretty standard for us. We've done this in the past where we've authorized them to be able to unload any vehicles that we may have that are no longer needed by the City. I would like to ask to question of Barb Sylvester please.

COUNCIL PRESIDENT ISTNICK – Ms. Sylvester.

BARB SYLVESTER – Yes, sir.

COUNCILMAN LEWIS – Do we have a list of vehicles? Did I miss that?

BARB SYLVESTER – A list of vehicles at the present time that we want to go out to auction for?

COUNCILMAN LEWIS – Yes.

BARB SYLVESTER – Yes, I do. I've gotten with the departments to send me any vehicles that they have.

COUNCILMAN LEWIS – Would you be able to distribute that to Council members?

BARB SYLVESTER – Yes, I can.

COUNCILMAN LEWIS – I just think that that some information that members of Council would like to see. I'll leave it open to questions still, but after anyone has any questions that they want to ask, I'll probably just give first reading.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. What happens to these funds that we take in from these? Do these just go into the General Fund or do they go back into a fund to fund more vehicles and what you have you?

BARB SYLVESTER – Well, I have been working with the Auditor's Dept. on that and once we get the approval from Council to go out there and do this, then we will go back and go to our fixed asset listing and see exactly which account the asset or what account they were purchased from and then they will be reimbursed back into those accounts. So, we will pull the title for the vehicles, if we are given approval to go out and do this, and then I will work with the Auditor's office and we will go out and look at which account they came out of, whether they

were purchased out the 1100 General Fund, the 1401; were they purchased out of the 1201 account for streets? And then we will put the revenue back into the appropriated accounts and reimburse them that way.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I noticed in the legislation language here that it says vehicles and some equipment. Could you include whatever articles intended for sale in that list, please?

BARB SYLVESTER – Yes, I will.

COUNCILMAN THIERET – Thank you.

BARB SYLVESTER – You're welcome.

COUNCIL PRESIDENT ISTNICK – Any other questions for Ms. Sylvester? Councilman Lewis.

COUNCILMAN LEWIS - First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Res. No. 13 – 2020 has received first reading.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

Transfer of a Liquor License from Thomas N. Berbari Jr., Est., Deanna Baughman, Ext., DBA Tommy B's Diamond Nite Club, 1234 Sixth St. S.W., 1st Floor Only, Massillon, OH 44646 to Deanna Berbari-Baughman, DBA Tommy B's Diamond Nite Club, 1234 Sixth St. S.W., 1st Floor Only, Massillon, OH 44646. Permit Class is D5 and located in Ward 5.

COUNCIL CLERK ROLLAND – It has been brought to my attention that the zip code should be 44647 which is an error on the part of the Ohio Division of Liquor Control. Because somehow or another, this got lost in the mail and they actually e-mail it to me because it was returned to them. So, that should be Massillon, Ohio, 44647.

COUNCIL PRESIDENT ISTNICK – Does anything have to be done to change that?

COUNCIL CLERK ROLLAND – I will give them a call tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you. Did Councilwoman Starrett receive a copy?

COUNCILWOMAN STARRETT – Yes, thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

10. BILLS, ACCOUNTS AND CLAIMS

Webex \$ 15.92 Subscription Renewal – September

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we pay the bills.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report July 2020
Mayor's Report July 2020

COUNCIL PRESIDENT ISTNICK – Thank you. The Treasurer's Report and the Mayor's Report have been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be next Monday, September 14, 2020 at 6:30 p.m.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 74 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant (CDBG) Program Fund, FY 2020/2021, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I open this up to any questions or discussion by members of Council.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Madam President, thank you. I will refuse myself from this matter for the same reason I did regarding a relative of my family and funds going to a place of their employment. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we bring Ord. No. 74 – 2020 forward.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call.

8 yes; 1 abstained

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 74 – 2020 has passed.

16. SECOND READING ORDINANCES AND RESOLUTIONS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

SAMANTHA WALTERS – Council President. I just wanted to add one thing real quick if I could?

COUNCIL PRESIDENT ISTNICK – Go ahead.

SAMANTHA WALTERS – Thank you. I just wanted to mention to Councilwoman Litman and Creamer that I did not forget about your request for a listing of Stark Fresh's mobile grocery market stops. My office has reached out via phone and e-mail to Stark Fresh and we haven't gotten a response yet. But that's fairly typical for them as they have a very small staff and they don't operate traditional office hours. Especially during the growing season. But, I will e-mail the information to both Council members as soon as I receive a response.

COUNCIL PRESIDENT ISTNICK – Thank you for the update.

COUNCILWOMAN LITMAN – Thank you, Samantha.

COUNCIL PRESIDENT ISTNICK – Okay, back to anyone wishing to talk on any topic that did not appear on tonight's agenda. If you wish to do so, please state your name, address and topic you wish to discuss.

18. ADJOURNMENT

COUNCILWOMAN CREAMER – I make a motion to adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT